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The Advocates of Regulation

This chapter assesses and compares the political behaviors, backgrounds, and policy influence of the three groups that in each country have taken the lead in advocating governmental controls on toxic chemicals: consumer associations, which include food safety issues among their concerns; environmental groups, which have a record of involvement in restraining the use of pesticides and limiting other forms of chemical pollution; and trade unions, whose concerns about toxic chemicals have focused on hazards in the workplace.[1] The analysis fills in several of the remaining blanks in the characterization of national regulatory systems. How have these groups defined their objectives, mobilized their resources, and fashioned their tactics to promote the interests of environmental protection and public safety? Compared to the varied but uniformly successful strategies of national chemical industries, as analyzed in the last chapter, how influential are they in shaping the regulatory policies of their respective governments?

The delineation of the role of these groups in national regulatory politics offers, in addition, an opportunity to address more general questions about comparative interest group behavior. How do groups with variable political resources, such as labor and consumer organizations, behave when they

[1] Advocacy groups sometimes involved in chemical control but not examined here include the organic farming/natural foods movement, wildlife sports associations, professional societies, and public interest associations that operate only at the local or regional level.

tackle the same kind of issue? Do organizational priorities and political tactics depend more on features intrinsic to the groups themselves or on the national policy context in which they operate?

In exploring these questions, the analysis uncovers and then explains an apparent anomaly: despite vastly different structures, resources, and strategies of intervention, all these groups manage to exert only limited influence on the shape and pace of regulatory policy in each of the four countries. There is, however, no single factor that accounts for this limited role. Instead, circumstances that are peculiar to each group and to its particular national context combine to make advocacy politics everywhere an important but far from determining voice of policy change.

Players and Strategies

Reflecting the parallel economic and social development of the four countries, organizations now active in promoting chemical safety rose to national prominence at approximately the same times. Environmental groups were created in two waves: older associations, often dating back to the nineteenth century and primarily oriented toward nature conservation and wildlife, have been joined in the past two decades by a newer generation, whose interests focus more on the safety of advanced technologies and on other adverse effects of massive industrialization. Most consumer associations became politically active in the 1950s and 1960s, while organized labor has been a fixture on the national political scene of each country since the nineteenth century.

As intervenors in the national politics of chemical control, all these groups have relatively dispersed memberships and small central staffs. Altogether, the number of activists tracking national policy in the four regulatory areas of interest here is perhaps no more than twenty in each of the European countries and twice that many in the United States. Also, unlike industry, which uses its market-generated income to finance its political activities, most of these groups must rely on the voluntary contributions of their adherents or other financial resources. Only unions, which have a longer history and more economically motivated members, enjoy a measure of financial security. Similarly, union leaderships can exercise more hierarchical control over their members than can leaders of environmental or consumer groups.

As a rule, American public interest groups are more numerous and specialized than their counterparts abroad. In the area of food safety, for example, the most active U.S. groups are the Center for Science in the Public Interest, a small association specializing in food safety issues; the Community Nutrition Institute, which also lobbies on other food-related issues such as hunger and nutrition; and the Health Research Group, a branch of Ralph Nader's

network, which is active not only in food safety but also in drugs and occupational health. In each European country, in contrast, typically only one or two national consumer associations are active, and these tend to resemble more the Consumer Federation of American and Consumers Union in their broad-based efforts to promote consumer interests.

Environmental groups follow the same pattern. Such leading American organizations as the Sierra Club, the National Audubon Society, Friends of the Earth, the Environmental Defense Fund, the Natural Resources Defense Council (NRDC), and Environmental Action are all aggressively engaged in chemical control at the national level. But only two German groups, the Bund für Umwelt und Naturschutz Deutschland and the Bundesverband Bürgerinitiativen Umweltschutz, are prominent in the area; although they are nationally organized, their activities are mainly directed toward local and regional issues. Only with the advent of the Green party in the late 1970s did German environmentalism become a more cohesive political force at the federal level. French environmental groups are numerous, fragmented, and politically weak; none has become a noteworthy national champion of the need for chemical control. Three of the more active and visible groups are Amis de la Terre, the Fédération Française des Sociétés de Protection de la Nature (FFSPN), and SOS Environnement. Environmental associations in Britain include the older Council for the Protection of Rural England and the newer activist associations, Friends of the Earth and the Conservation Society.

Chemical workers' unions reflect the organizational features of national labor movements.[2] German chemical workers have the most monolithic organization, with both blue- and white-collar employees belonging to a single union, the Industriegewerkschaft Chemie-Papier-Keramik (IG-Chemie). The union belongs to the sole German labor federation, Deutscher Gewerkschaftsbund (DGB). The French labor movement is the most fragmented; it has four national federations and a separate association for white-collar workers but no umbrella organization representing labor as a whole. Most chemical workers belong to the chemical industry section of either the Confédération Générale du Travail (CGT), which is tied to the French Communist party, or the Confédération Française Démocratique du Travail (CFDT), which is affiliated with the French Socialist party. Chemical workers in the United States, as in France, belong to several competing unions, the

[2]On European labor movements and their political role, see Marguerite Bouvard, *Labor Movements in the Common Market Countries: The Growth of a European Pressure Group* (New York: Praeger, 1972); Jack Barbash, *Trade Unions and National Economic Policy* (Baltimore: Johns Hopkins University Press, 1972); Gerald A. Dorfman, *Government versus Trade Unionism in British Politics since 1968* (Stanford: Hoover Institution Press, 1979); David P. Conradt, *The German Polity* (New York: Longman, 1978).

largest of which are the International Chemical Workers Union; the Oil, Chemical, and Atomic Workers (OCAW); and the Steelworkers. Similarly, in Britain, chemical workers are represented by several unions, most prominently the more white-collar Association of Scientific, Technical, and Managerial Staffs, and the General and Municipal Workers' Union. Both countries, like Germany, have a single labor confederation incorporating most industrial sectors (AFL-CIO in the United States and the Trades Union Congress in Britain). With trends in chemical union memberships following national labor patterns generally, the percentage of unionized workers is higher in Britain and Germany than in France and the United States.

Policy Objectives

Chemical safety is not the exclusive concern of any of these groups. Thus, the priority accorded to chemical control relative to other organizational goals is an important parameter in defining their role in regulatory politics. In this respect, American groups of every type stand out by their sustained attention to the issue. To a far greater extent than in Europe, controlling the hazards of chemical technology looms large in the strategies of American advocates.

The contrast in priority is most noticeable among environmental groups. Many U.S. organizations, led by NRDC and EDF, attach great importance to toxic chemicals and track the issue's development in all relevant regulatory programs. But no major environmental group in Europe has made toxic chemicals a principal rallying cry. Instead, organizational emphasis is placed on the natural habitat or on other technologies, especially nuclear power.[3] These issues reflect a general orientation among European environmentalists to focus on ecological deterioration rather than threats to public health. When specific chemicals such as PCBs, DDT, and other organochlorine pesticides became objects of concern, they were attacked as much for their harmful effects on the biosphere as for their effects on human health. The threat of cancer is notably less prominent as a mobilizing issue.

In turn, the agendas of many European associations give priority to procedural reforms, including the ability to bring suit (in Germany), administrative decentralization (in France), and greater access to information (in all three European countries). American environmental groups, having already acquired by law extensive guarantees of openness and legal access, tend to

[3]Favored themes of European environmental movements are developed in their periodicals: *Natur und Umwelt,* published by BUND; *Umweltmagazin* (BBU); *La Baleine* (Amis de la Terre); *Combat Nature* (Associations Ecologiques et de Défense de l'Environnement); etc. Also, interviews with environmental leaders in Bonn, Paris, and London, Summer 1980.

address procedural issues only when these prerogatives are threatened or curtailed. The public availability of industry-supplied information on health effects was a prominent procedural concern of U.S. environmentalists in the early 1980s. American groups also tend to advocate the centralization of environmental decision making at the federal level, where their political resources are most effectively deployed.

Another notable contrast between American and European environmentalists is the specificity of their respective regulatory strategies. Groups in the United States, at least those most involved in toxic chemical regulation, formulate detailed objectives on even the most technical aspects of lawmaking, risk assessment, and administrative implementation. The goals of the environmental movements in Germany and France and, to a lesser extent, Britain are more likely to remain at the level of broad principles aimed at overall environmental enhancement or even the massive restructuring of industrial society. The 1979 NRDC annual report, for example, gives a fairly detailed picture of the current agenda confronting U.S. regulators, noting the organization's efforts to find solutions to such concrete problems as premarket testing guidelines under TSCA.[4] The literature of the French association Amis de la Terre of the same period scarcely mentions that a similar French law was passed and was undergoing implementation; instead, there is an abundance of quasi-philosophical expositions on the various tenets of "ecological democracy."

National consumer groups also show variable interest in toxic chemical hazards. The most prominent British group, the Consumers' Association, gives food safety policy only passing attention, and its occasional pronouncements are usually supportive of the governmental position. During the 1970s, its principal organ, the consumer periodical *Which?,* published testing results on only two substances of relevance, nitrites in ham and products containing asbestos, noting simply in each case that results were within statutory or recommended limits. In contrast, American groups have vigorously pursued tighter controls on a wide range of food additives and contaminants, including saccharin, DES, nitrites, PCBs, aflatoxins, lead, coal-based colors, and acrylonitrile.[5] The three U.S. consumer groups most involved in food safety policy staunchly defend the Delaney clause, but this zero-risk principle is not a prominent objective of any European association.[6]

[4]NRDC, "Annual Report, 1978/79," New York.

[5]Documents of the Community Nutrition Institute, the Health Research Group, and Center for Science in the Public Interest; interviews, Washington, D.C., 1980 and 1981.

[6]Ibid., and interviews with consumer association leaders in Washington, D.C., November 1980 and April 1981.

French and German consumer associations resemble American groups in the relative priority they accord to food safety, but their campaigns are more selective. The Union Française des Consommateurs (UFC) has launched consumer awareness programs on aerosols, asbestos products, food colors and preservatives (amaranth, in particular), hair dyes, and polysterene as a food packaging material.[7] A major campaign in 1980 was directed toward the continued use of DES and other estrogens in veal.[8] The Deutscher Verbraucherschutzverband (DVS) has addressed such issues as CFC-propelled aerosols, lindane and other pesticides, chromium, PCBs, and chemicals added to animal feed. Another German group, the Arbeitsgemeinschaft der Verbraucherverbände (AGV), whose literature is somewhat less polemical and less focused on food safety matters than that of DVS, has taken stands on colors, nitrites, and saccharin.[9]

Among the three types of organizations, chemical workers' unions show the greatest cross-national similarity in their chemical control objectives. For years, worker health and safety was not a top priority of unions, as they founded their political activities on more traditional bread-and-butter concerns and more general political aims. But in recent years, all have raised worker health and safety issues to new prominence. The turning point was the passage of key worker protection statutes in each country. In the period immediately preceding and subsequent to the enactment of the OSH Act and counterpart legislation in Europe, unions took measures to reinforce their staffs, expertise, and programs in the health and safety area. European unions placed initial priority on building up their presence in health and safety matters at the plant level, including the election and training of safety representatives in Britain, the functioning of health and safety committees in Germany and France, and the provision of information on toxic hazards to workers in all three countries.[10] Until recently, and unlike the situation in the United States, European unions have had only limited involvement in standard setting for health hazards; their traditional focus has been workplace safety. Organized labor in all four countries now expresses general satisfaction with

[7]*Que Choisir?* is published monthly by UFC, Paris. Another French group, Laboratoire Coopératif, has published articles on a wide range of chemical hazards, particularly food additives and contaminants, in its publication *Bulletin d'information* (Saint Mire), published bimonthly.

[8]*Le Monde,* November 16, 1980.

[9]Publications and internal documents of DVS and AGV; interviews at AGV, Bonn, June 1980.

[10]*Health and Safety at Work,* July 1980, p. 17; P. Auer et al., "'Humanization of Work' between Labor Unions and the State: A Survey of Seven Countries," International Institute for Comparative Social Research, Berlin, February 1980; Confédération Française Démocratique du Travail, *Hygiène et sécurité dans l'entreprise* (Paris: Montholon, 1978).

the legal framework in place but criticizes the pace and stringency of administrative implementation and enforcement.[11]

Among occupational hazards, carcinogens have been accorded high priority by all chemical workers' unions; the same substances, such as vinyl chloride and asbestos, tend to reappear as objects of concern in national campaigns. But beyond consistently pressing OSHA to accelerate its programs, the American labor movement was not the primary impetus for OSHA's generic policy on carcinogens.[12] In Britain, in contrast, a proposal modeled on the OSHA initiative was taken up and heavily promoted by ASTMS in the face of strong industrial opposition and a less than enthusiastic response from most HSE officials (see chapter 8).

Tactics

National public interest and worker associations active in chemical control policy use remarkably different means to attain their objectives. Electoral participation, the most basic means of articulating policy preferences in democratic societies, plays an important role in the national environmental movements of only Germany and France.[13] Efforts to form national ecology parties are less central in ventilating environmental concerns in American politics and are totally absent in Britain. Organized labor, in contrast, has long been affiliated with one or more of the major political parties in all four countries. But the importance of partisan electoral activity in achieving policy objectives varies in organizational strategies. It remains high for British labor, for example, but is less central to U.S. unions. Consumer groups are seldom engaged in electoral activities, although some American consumer groups, like some environmental associations in the United States and Britain, give endorsements and other kinds of support (such as publicizing legislative records) to candidates who champion their cause.

Outside the electoral process, all groups cultivate informal relations with elected legislators. But circumstances peculiar to the groups themselves or to national politics give these ties variable importance in political strategies. The substantial role of the U.S. Congress in regulatory policy making, together with the sensitivity of individual legislators to interest group intervention and the weak ability of the parties to absorb and attenuate political demands,

[11] Interviews with labor representatives in Paris, November 1979 and July 1980; Bonn, July 1980; and London, July and August 1980.

[12] Interview, AFL-CIO, Washington, D.C., November 1980.

[13] The platform of the German "Green party" is contained in *Die Grünen: Das Bundesprogramm* (Cologne: Verlag Die Grünen, n.d.). For France, see Jean-Luc Parodi, "Les écologistes et la tentation politique, ou essai de problématique du mouvement écologiste," *Revue politique et parlementaire,* 81 (January–February 1979).

make legislative lobbying a central and often fruitful activity for all American groups. In Europe, where intervention tends to be mediated by the political parties, the reliance on legislative lobbying depends more on traditional partisan affiliations and the composition of the ruling majority. European labor has ready parliamentary access and influence when its affiliated parties are in the majority, but these ties count for much less when the electoral tide runs against them.

At the implementation stage, interest group participation on deliberative or advisory structures closely linked to regulatory programs is the dominant mode in Europe. As discussed in chapter 7, labor representation on influential committees is common in the area of worker safety, but European environmental and consumer advocates have made fewer inroads. American advocacy groups of all types, in contrast, intervene primarily by formally communicating their views to administrators at critical stages in the rule-making process. Since information and timing are critical, much effort is expended by these groups in perusing official publications, tracking rule making, participating in organized hearings, and petitioning administrators.[14]

The appointment of activists or sympathetic individuals to political or administrative positions is another potential means of intervention. The creation of new governmental services of environmental protection brought into authority everywhere many individuals who were receptive to environmentalists' causes. But prevailing national patterns of civil service recruitment, institutional development, and political appointment make this opportunity less available to European than to American advocates. The more professionalized and stable civil service in European public administration assures considerable continuity in official attitudes and practices, even following changes in political leadership. In the United States, the larger proportion of top agency positions that are subject to political appointment, and the resulting turnover in personnel and policy orientation, became dramatically evident when a number of public interest activists appointed to high-level administrative positions by the Carter administration were subsequently dismissed after the Republican victory in 1980.

The variable role of litigation in the four regulatory settings is similarly reflected in the strategies of advocates. In the United States, the more liberal rules of standing, the range of permissible grounds for bringing suit, and the greater scope of court jurisdiction (see chapter 5) give advocates both the

[14] A study by Common Cause, a U.S. public interest group, revealed that contacts of commissioners in independent regulatory commissions, including CPSC, were more frequent by industry than by advocacy groups. (Common Cause, "With Only One Ear," Washington, D.C., August 1977.) This suggests that relations between advocates and government are governed by more formal means of intervention.

opportunity and the incentive to use judicial channels. The specificity of American legislation in the form of obligatory administrative procedures, task agendas, and deadlines—measures that advocates themselves have helped bring into law—provides them with ready-made legal criteria for bringing suit. More vaguely worded statutes and the more restricted role of the courts in Europe largely deprive advocacy groups there of these kinds of legal advantages.[15] But even in the United States, the readiness of advocacy groups to file suit is not uniform. The Environmental Defense Fund, the Natural Resources Defense Council, and the Center for Law and Society make frequent use of legal petitions and suits, and this orientation is reflected in their large contingents of legally trained staff. In the more grass-roots-oriented associations, such as the National Audubon Society and Friends of the Earth, litigation looms less prominently in overall strategy. Legal action by American labor in the worker health area shows a more checkered history, its use reflecting the movement's degree of satisfaction with current OSHA performance and orientation.[16]

Another feature distinguishing many American groups from their European counterparts is the greater use of expert analysis and scientific argumentation in the United States. The most successful alliance of science and interest articulation has been forged by the newer activist groups, particularly EDF, NRDC, the Health Research Group, and the Center for Science in the Public Interest (CSPI). These associations have scientists on their staffs, follow the scientific literature, and benefit from a network of contacts in the academic community.[17] American chemical unions and the AFL-CIO have built up similar capabilities. Some groups undertake original policy analysis and evaluation research; OCAW has even initiated its own scientific studies aimed at clarifying carcinogenic risk.[18]

In the area of toxic chemicals, no European group has developed its resources in scientific expertise to a comparable extent. The U.K. branch of Friends of the Earth has earned a reputation for analytical rigor in its position

[15] See Ronald Brickman and Sheila Jasanoff, "Concepts of Risk and Safety in Toxic Substances Regulation: A Comparison of France and the United States," *Policy Studies Journal*, 9, no. 3 (1980), 394–403; for France, see Michel Prieur, "Les tribunaux administratifs, nouveaux défenseurs de l'environnement," *Revue juridique de l'environnement*, 1977, pp. 237–39, and Christian Gabolde, *Les installations classées pour la protection de l'environnement* (Paris: Editions Sirey, 1978).

[16] See Nicholas A. Ashford, *Crisis in the Workplace* (Cambridge, Mass.: MIT Press, 1976), pp. 477–79, for the early period; also, "OSHA: A Ten-Year Success Story," *American Federationist*, July 1980.

[17] Robert Cameron Mitchell, "Since Silent Spring: Science, Technology, and the Environmental Movement in the United States," in H. Skoie, ed., *Scientific Expertise and the Public*, vol. 5 (Oslo: Institute for Studies in Research and Higher Education, 1979), pp. 171–207.

[18] For example, OCAW undertook with NCI an epidemiological study of brain cancer among OCAW members working in Texas oil refineries.

papers, but the organization has not often deployed these skills on issues related to chemical control. Chemical workers' unions in Europe have been making modest efforts to build up their competence in handling the complex scientific issues of chemical regulation.[19] But for the most part, the health and safety staffs of most European labor organizations, never very large in the first place, continue to specialize in workplace organization and accident prevention and have not acquired the internal expertise to deal with chronic health effects. The limited access of European groups to scientific and technical expertise is compounded by the relative dearth of public policy research centers that are active in environmental and public health areas. While U.S. groups benefit from the sophisticated analyses of such institutions as the Conservation Foundation and Resources for the Future, there are few comparable institutions in Europe. One notable exception is the OKO-Institut in Freiburg, Germany, but at least until the public debate leading to passage of the federal chemicals law, the institute had done little work in the area of toxic chemicals.[20]

A large part of the strategy of all these groups is to develop means of communication with their adherents and with the wider public. For most consumer associations, publishing magazines that provide subscribers with product and policy information is the primary means of political intervention.[21] Some environmental groups, such as the German BUND and the French FFSPN, also attach great importance to the publication of their own periodicals, while others, including the British and American branches of Friends of the Earth, rely more on articles placed in the general press. Public demonstrations are also organized by many special interests to demonstrate grass-roots support for particular causes. British groups such as Friends of the Earth appear especially dependent on this tactical device. But few events of this kind specifically address problems of chemical pollution. Chemicals appear to present fewer of the preventive, local, or symbolic features that have helped to draw support for demonstrations organized against other targets, such as industrial siting (few new chemical plants have been built in the four countries in the recent past),[22] nuclear power, highway construction, and military bases.

A comparable grass-roots tactic available to consumer groups is the prod-

[19] For France, see "Approche et évaluation du risque toxique," *CFDT Aujourd'hui*, no. 32, n.d.

[20] The OKO-Institut collaborated with NRDC on a comparative study of toxic chemical control policies in the United States, West Germany, and the EC (Work Report of the OKO-Institute, September 1979).

[21] For France, see Luc Bihl, "La Loi no. 78–23 du 10 janvier 1978 sur la protection et l'information du consommateur," *Semaine Juridique*, 52, no. 40 (Doctrine 1978), series 2909.

[22] One successful demonstration against the construction of a chemical plant took place in the Alsatian town of Marckolsheim in 1974.

uct boycott. The French UFC employs this technique as an integral part of its strategy. In 1976 it called for a boycott of food products containing artificial colors, and in 1980 the boycott of veal products was the centerpiece of its campaign against hormones. Nationally organized strikes and other work refusal practices over issues of toxic chemical control, or even health and safety more generally, have been rare in labor efforts in all four countries. The directive of the National Union of Agricultural and Allied Workers to its members employed by the British Forestry Commission, calling for their refusal to use the 2,4,5-T herbicide, and the subsequent general ban by the TUC in February 1980, were exceptional moves in the health and safety politics of labor.

Not all of the efforts of public interest groups and labor are directed toward government. Some groups also attempt to gain direct concessions from management. In the health and safety area, for example, European labor movements have placed higher priority than American labor on negotiating improvements at the plant level. Much of their effort directed to public authorities is designed to obtain through state intervention the legal and institutional backing for such bargaining. With respect to environmental groups, neither the legally oriented associations in the United States (apart from a few experiments in environmental mediation) nor the more radical environmental movements in Europe have developed direct contacts with industry. But while U.S. groups are almost exclusively concerned with public regulatory agendas, the campaigns of European groups, in line with their aims of fundamental social change, do not always bother to differentiate economic and political targets. Many consumer groups, particularly those in Europe, continue to show faith in marketplace forces by concentrating on consumer awareness campaigns. As a rule, then, American advocacy groups of all types focus their strategies more on government than on industry; their campaigns attack the shortcomings of officialdom at least as much as those of industry in protecting the environment and public health.

Impact on Regulatory Policy

Advocacy groups in all four countries, in sum, have joined the battle for chemical control, and in some cases they have deployed considerable resources in this cause. But what have they accomplished? In relatively few instances does their impact appear clear-cut and decisive; where this is the case, the attribution of success may be more a function of the tactic employed than the relative power or influence of the group that used it. Lawsuits, for example, culminate in relatively clear-cut decisions for or against advocated positions. Thus, those American interest groups that have access to this technique enjoy a relatively straightforward indication of their impact. The influence of other groups using other means may be just as great but, exerted through more indirect or diffuse channels, it is more difficult to measure.

Undeniably, U.S. groups pressing for tighter controls have scored some notable successes in court. An early example was EPA's cancellation of the use of DDT following court action initiated by the Environmental Defense Fund. A more recent illustration was NRDC's successful suit against EPA for failure to comply with test rule requirements under section 4 of TSCA. In other cases, just the threat of suit or preliminary court proceedings has prompted or accelerated agency action. This occurred in 1973 and 1974, when suits filed by OCAW and the Health Research Group led OSHA to issue a temporary and then a permanent standard on several carcinogens,[23] and again in 1979, when FDA issued final rules establishing lower tolerances for PCBs in food, pending an EDF lawsuit.[24]

There are other cases, however, in which the litigation route produced no detectable shift in policy, either because the final judicial decision went against the plaintiff or because the case became mired in procedural or technical complications. The same is true for a large number of administrative petitions that have been submitted to the agencies to request action on various issues. Examples include the Health Research Group's petition to OSHA for regulations requiring employers to provide workers with the generic names of chemicals in trade-name products and CSPI's petitioning of FDA to require labeling of ingredients in alcoholic beverages. More successful initiatives of this kind—at least insofar as the petition preceded agency action in the desired direction—include AFL-CIO's original demand that OSHA issue an asbestos standard and EDF's 1979 petition against the use of 2,4,5-T and Silvex. But the success of advocacy groups in using legal channels can be properly assessed only with reference to industry's use of the same procedures. Several industry-initiated suits against the government have gone against the wishes of protection-oriented organizations (see chapter 5).

The effectiveness of legislative lobbying is more difficult to gauge. Typically, more issues are at stake and outcomes take the form of compromises that can mask the relative influence of the forces that produced them. Yet legislative campaigns by some U.S. groups are generally credited with producing a significant impact on lawmaking: examples include labor's somewhat belated defense of OSHA in the face of industry attempts to weaken the law, and environmentalists' efforts to thwart the use of Mirex in fire ant eradication and to achieve passage of the "Superfund" legislation of 1980. Given the substantially different roles played by European parliaments in the

[23] Ashford, op. cit.
[24] Jacqueline Warren, "PCBs: A Status Report," *Environment*, 23, no. 4 (May 1981), 2–4.

lawmaking process, the success of legislative tactics by national groups in France, Britain, and Germany must be assessed on an entirely different scale. Perhaps the most vivid illustration of the direct incorporation of environmental concerns into law at the legislative stage was the modification of the German Chemicals Act to reflect opposition to animal testing by antivivisectionists (see chapter 3).

Where American groups enjoy distinct procedural advantages in litigation and lobbying, many European activists are able to intervene successfully in the policy process via their participation on official advisory boards. As already noted, this institutionalized channel of access benefits labor most, and environmentalists least, among advocacy groups in the three countries. Inclusion gives interest groups regular contact with key public officials and timely knowledge of official plans and industry reactions—privileges that are all the more important in systems where public disclosure of information is not extensive. It also provides an opportunity to introduce new issues on the official agenda and to have a continuous voice in the formulation and adoption of governmental rules and recommendations.

But for several reasons this form of participation does not readily translate into policy influence. First, members representing unions or public interest groups are invariably a minority on official committees. Second, committees have variable influence on policy outcomes (see chapter 7). Third, unions and public interest groups show a varying propensity to take advantage of this means of access. None of the European chemical unions, for example, has been particularly aggressive in using its participatory status to force regulatory agendas or shape decisions, although the British union ASTMS has moved in this direction. On the contrary, participation in these forums appears to engender a commitment to established procedures, a willingness to reach compromise, and an acceptance of outcomes that issue from regular consultative mechanisms. Groups that do not conform to this pattern are viewed with disapprobation by other concerned parties and run the risk of being excluded from or ignored in the inner circle of decision making.[25] Fourth, European advocates are constrained by their limited expertise. Using other channels of influence, U.S. groups that have strength in legal and scientific argumentation have largely overcome this handicap, but like their European counterparts they also have trouble countering the superior resources in expertise of industry.

Ultimately, the political strength of activists derives from their ability to

[25]This was the reaction encountered in industry and governmental circles to the series of initiatives that ASTMS was taking both inside and outside the ACTS forum (interviews in London, Summer 1980). "Confrontationist" tactics by unions are more common in France, but, as discussed in chapter 7, the comparable tripartite committee plays a less central role in decision making in that country.

present themselves as the spokesmen of large constituencies. Their claims are reinforced by a visible manifestation of support at the grass-roots level, which is the essential purpose of demonstrations, letter-writing campaigns, strikes, boycotts, media coverage, and the like. Signs of constituency support are particularly important to counter charges, such as those arising to meet the ASTMS cancer initiative, that organizational leaders are out of touch with the rank and file and are acting on other motives.

The support of a large, regular membership is helpful in this regard, but it is not always sufficient. Both government and industry have a tendency to adjust complacently to the more stable features of their political environments. Public interest groups therefore have every interest in mobilizing the larger public to give themselves an edge. However deplorable in terms of their immediate consequences, environmental disasters such as Seveso, the Flixborough accident, the Kepone disaster, Love Canal, PCB contamination in Michigan, and toxic wastes from Stoltzenberg-Chemie in Hamburg provide unique opportunities to sensitize public opinion, focus political attention, and provoke quantum leaps in policy evolution. Indeed, some observers of French environmental politics have attributed the relative lack of interest group attention and political response to chemical hazards in that country to the absence of similar large-scale crises on French soil.[26]

A more direct and telling indication of public support for environmental and safety causes is electoral behavior. Both of the self-defined ecology parties of France and Germany have done rather well in comparison to other marginal political formations. The German ecologists, following a string of successes in local and regional elections, elected members to the Bundstag in the 1983 parliamentary elections.[27] French ecologists have improved their performance since the presidential candidacy of René Dumont, who in 1974 collected 1.32 percent of the popular vote in the first round. Brice Lalonde, the environmentalist candidate in the 1981 presidential election, won more than one million votes, or 3.87 percent of the total in the first round.[28] In the United States, the Citizen's party presidential ticket of Barry Commoner and Laverne Harris received 0.3 percent of the national vote in the November 1980 election.

The impact of this electoral pressure on national policy is hard to judge. Certainly, it has forced the major parties and candidates to campaign actively for the vote of environmentalist sympathizers, particularly when electoral

[26]The two incidents of chemical pollution receiving greatest press attention in France in recent years were a series of mishaps traced to a plant manufacturing acryloline near Lyon, and water pollution from a titanium dioxide plant in the Seine estuary.

[27]For a short account in English of the electoral performance of the German Green party, see E. Gene Frankland, "Will Germany Go On Green?" *Environmental Action,* February 1981.

[28]See David Gurin, "France: Making Ecology Political and Politics Ecological," *Contemporary Crises,* no. 3 (1979), pp. 149–69.

contests have been as close as they have been in France and Germany in recent years. But whether this has resulted in more than broad rhetorical promises is conjectural. Since toxic chemical control has not been a favored issue in national environmental debates in either country, the impact has probably been greater in other domains (nuclear power in Germany, participation and preservation of wildlife and parklands in France). Moreover, the credibility of the environmental movement as a political force has been somewhat undermined by internal squabbles, the apolitical stance of some associations, and the tendency of some advocacy groups to take radical, uncompromising positions.

In taking a summary look at the impact of advocacy groups on regulatory policies, one must necessarily compare apples and oranges. Clearly, American groups of all types benefit from their multiple opportunities to intervene. They have more opportunities to set and force the regulatory agenda and are able to exert constant pressure on administrators to narrow the implementation gap.[29] When one channel of influence is blocked, for example by the arrival in power of an unsympathetic administration, these groups can readily switch to other tactics and targets to pursue their aims. The evaluation of European groups must be more differentiated. Those admitted to official circles exert quiet and contained influence at the decision-making stage, while those excluded operate through the indirect and diffuse channels of public opinion. The efforts of the latter are more likely to influence the general tenor of national politics than to result in an issue-specific policy response.

The Context of Advocacy Politics

This final section, taking a more analytical bent, explores the broader context of advocacy politics. It addresses two questions: Why do advocacy groups intervene the way they do in the regulatory process? And what accounts for their success or failure? Four factors appear to exert special influence on the patterns of behavior delineated earlier: the receptivity of public opinion, the resources available to each group, organizational ethos, and the policy-making context in which each group fashions its strategy of intervention.

Public Opinion

The available data on public opinion in the four countries suggest a parallel development that has served to sustain at least in general terms the causes

[29] Using other cases, W. Solesbury comes to similar conclusions in "Issues and Innovations in Environmental Policy in Britain, West Germany, and California," *Policy Analysis* (Winter 1976), pp. 1–39.

promoted by public interest organizations. Surveys uniformly document the rise of public awareness and sensitivity to environmental and public health concerns during the past decade. A 1976 cross-national poll taken for the European Community, for example, revealed an equally high ranking in European countries of pollution control and consumer protection among issues judged to be important or very important.[30] (There was a somewhat lower ranking of these concerns among British respondents, who were more preoccupied with economic issues at the time.) Surveys in both France and the United States convey the public perception that the chemical industry is a principal contributor to environmental degradation.[31] With respect to the "environmental movement," another EC poll reveals high public support in all three member countries (72 percent in the United Kingdom, 79 percent in Germany, and 81 percent in France gave favorable ratings).[32]

There appears to be, however, some variation in the degree of public alarm over chemical hazards among the four countries. European observers often remark that the level of concern over chemical pollution in general, and carcinogens in particular, is less intense in their countries than in the United States. The American public appears to accord a relatively higher value to health effects than to environmental degradation compared to the inhabitants of France, Germany, and Britain. This relative concern is reflected in the treatment of toxic chemicals in the national media of the four countries.[33] Even fairly obscure developments in the scientific investigation of carcinogenic hazards are apt to be reported in the U.S. media, and in some of the more sensational cases, such as nitrites and caffeine, scientific results have earned the distinction of announcement on the televised evening news. With the exception of major disasters, media coverage of this kind is rare in Europe. Among different kinds of toxic or carcinogenic chemicals, the French media seem to demonstrate greater concern over food additives, while the British are noticeably sanguine in this area. In turn, the British press devotes relatively more space to occupational safety.

These nuances in public concern go hand in hand with the priorities adopted by advocacy groups and with national policy responses. The greater

[30] EC, Commission, *Euro-Barometer,* no. 5, July 1976.

[31] *International Environment Reporter,* June 13, 1979; also, *Les Echos,* June 6, 1979, and "The Public's Attitudes Toward Chemicals, Additives, and Pesticides," Opinion Research Corporation, Princeton, N.J., November 1978.

[32] *Index to International Public Opinion,* 1978–79, EEC s/s 8791, and EC, Commission, *Euro-Barometer,* no. 8, January 1978. A similar question to American respondents elicited an "excellent or pretty good" job rating of environmental protection groups from 57 percent of those polled, and 45 percent gave a similar rating to consumer associations, while organized labor received only 20 percent. *Roper Public Opinion Research Center,* 5, no. 1 (January 1977).

[33] Based on a review of press clippings archives in each of the four countries.

focus in U.S. regulatory policy on carcinogens relative to other toxic effects, for example, is in all likelihood related to the often-observed American "fear of cancer," which finds expression in other spheres of public life (government funding of cancer research and the laetrile phenomenon, for example). It is possible, of course, that the fear of cancer is just as acute among Europeans but is less likely to find expression in political terms. There are other features in American society, including its confrontational politics and investigative media, which promote the dramatization and public activation of these kinds of public fears. American culture, moreover, seems to hold public health more as an absolute good, while attitudes toward environmental protection, since the pastoral ideal gave way to an association of prosperity with industrial development and a tamed frontier in the early nineteenth century, have been marked with more ambivalence. These cultural attitudes may well underlie the pronounced public health dimension that has come to characterize both the politics and policies of U.S. environmental protection.

Resources

Limited staff and financial resources put obvious constraints on organizational strategies and impact. Unions are by far the wealthiest organizations promoting safety regulation, but they spread their resources over a large number of other issues and demands. Environmental groups do not disperse their resources so widely, but at least in Europe their specialization has not always favored serious involvement in toxic substances policy. Resources also constrain the choice of tactics. In the United States, the cost of pursuing a lawsuit to its end can amount to more than five hundred thousand dollars. Unlike large industrial concerns and trade associations, few advocate groups can afford to invest the required sums in litigation or extensive policy analyses and scientific studies. As a result, many are forced to fall back on a more passive or indirect stance of agency monitoring or molding public opinion. In recognition of these financial constraints, the governments of Germany and the United States have made limited efforts to alleviate the cost of public interest intervention; these take the form of, in Germany, subsidies to public interest associations for mass-education campaigns, and, in the United States, financial compensation for participation in certain rule-making proceedings and grants fostering participatory programs. The tax laws of all four countries advantage many groups in their fund-raising efforts and in stretching their limited resources.[34]

[34]U.S. tax provisions that confer tax-exempt status on advocacy groups are intended to constrain the legislative lobbying efforts of these groups. There are, however, ways to reduce these constraints, such as the creation of a parallel tax-exempt foundation and the exercise of some discretion in congressional liaison. See Jeffrey M. Berry, *Lobbying for the People* (Princeton: Princeton University Press, 1979), especially pp. 45–78, and Burton A. Weisbrod, *Public Interest Law* (Berkeley and Los Angeles: University of California Press, 1978).

From a cross-national perspective, the greater size and absolute wealth of American society, plus a tradition of support from foundations and the general public, give many U.S. groups a definite advantage in resources over their European counterparts. A survey of the income in 1976 of the sixteen most prominent national environmental groups indicated total revenues of over $67 million, a level of funding far exceeding that of European environmental movements.[35] But American groups also have correspondingly higher costs, not only in the servicing of larger constituencies but also in intervening in a larger and more complex policy environment. European public interest associations can manage with much less.

Organizational Ethos

Along with financial and political resources, the advocates of regulation enter the political fray with a certain ideological orientation and sense of mission which are tied in part to the circumstances of their creation, to the lessons inherited from past experiences, and to the social composition and perspectives of their adherents. This accumulated baggage sometimes has a decisive influence on group strategy and impact.

Sustained union involvement in the area of occupational health, for example, has come after a long history of battles with management and public authority, and labor's role and achievements in the area have been facilitated, but also somewhat constrained, by its prior successes and failures. For all four labor movements, renewed attention to worker health and safety sprang not only from an increased awareness of long-term health hazards but also from a need to find a new organizational mission in the wake of successes in more traditional spheres. In Europe, it did not prove difficult to extend the principles of tripartite negotiation, comanagement, or worker participation into the health and safety area, as the groundwork for such innovations was laid by a series of more general reforms in labor law and industrial relations evolving over several decades and accelerating in the 1960s and early 1970s. Governmental involvement in labor-management relations in the United States, however, has always been less extensive. When the federal government assumed responsibilities in the worker safety area, the labor movement did not draw on a well-established pattern of negotiation incorporating both public authority and management; instead, labor had always looked to the

[35]Mitchell, op. cit., p. 199.

Department of Labor, OSHA's new home, as the principal defender of its interests in the executive branch. Given this background, its strategy from the beginning was geared more to maintaining ascendancy than to negotiating compromises.

In Europe, however, once the unions put procedural reforms behind them, their organizational orientation did not facilitate successful intervention in the complex realm of controlling long-term chemical hazards. Their strength lay rather in the areas of accident prevention and other improvements in working conditions which had long been their traditional interest and which were more amenable to detection and negotiation at the plant level. At the same time, the considerable political power of European labor movements was diffused across the many other issues and policy areas in which the organizations had either acquired an assured voice (Britain and Germany) or aspired to more general political influence (France). This situation helped to relegate health and safety to a somewhat marginal status in organizational strategy, particularly at the federation level. Only in Britain, where chemical worker unions are highly competitive, but not as ideologically differentiated as unions in France, has occupational health been taken up as a primary mobilizing issue.

The organizational weaknesses of American labor, in contrast, have ironically been something of an asset in tackling the problems of chemical hazard control. National leaderships have been less encumbered by a plant-level orientation; more flexible procedures of staff recruitment allowed unions to bring in specialists; and with fewer pretensions to playing a star role in national politics and with fewer opportunities for negotiating other labor issues in governmental forums, American unions could concentrate their political resources on worker safety issues, including the more complex ones, as necessary. As in Britain, rivalries both among and within union leaderships also helped to activate the issue.

Consumer associations rose to prominence at a time when trends in the structure and functioning of modern industrial activity indicated increasing imbalances in the traditional marketplace relationship between consumer and producer. Many still perceive their role above all as a "corrective" to these distortions, in part by helping consumers to discriminate more effectively among services and products and in part by calling for state controls. This conception had led the older consumer associations in particular to focus on their own information services, to stress policy changes designed to increase consumer knowledge (such as labeling requirements), and to place less emphasis than do unions or environmentalists on tactics of direct confrontation and negotiation. Other groups, however, such as UFC in France and the Health Research Group in the United States, were imbued with the spirit of public interest activism that reigned in the 1960s and have adopted more aggressive, policy-oriented tactics and goals.

The organizational ethos of European environmental groups of the newer generation has contributed to their inattention to toxic chemicals as an issue (other issues, such as nuclear power, have been deemed more suitable vehicles), to their lack of interest in administrative implementation, to their ambivalence toward and relative uninvolvement in official decision-making procedures, and to their predilection for grass-roots, obstructionist, and even electoral activities. Taking more the form of social movements than specialized interest groups,[36] many of these formations have guiding philosophies that move them toward antiestablishment positions calling for broad social and economic restructuring and away from tactical opportunities and issues that would compromise either their grass-roots orientation or their ideological purity.

While such currents of thought, and organizations to represent them, are not absent from the American scene, their role in toxic substances control has been overshadowed, if not entirely preempted, by the highly educated policy activists in NRDC, EDF, and other groups whose sophisticated skills and interests are effectively deployed to handle the technicalities and subtleties of policy formulation, implementation, and judicial challenge. Indeed, chemical control, where the problems of conformity of rules and procedures to legislative intent, priority setting, and scientific complexity are particularly acute, provides an almost ideal policy arena for those possessing such skills.

The Policy-Making Context

The comparative politics of toxic substances control offers a vivid refutation of the "demand-response" model of governmental action. When politics is matched to policy in the four countries, the role of interest groups is seen as more the product than the cause of prevailing patterns of policy making. The independent but overlapping powers of the three branches of American government give U.S. groups alternative pressure points to advance their cause and elevate both litigation and lobbying as indispensable components of their strategies. If they are to be effective, American groups are obliged to focus on the details of lawmaking and administrative implementation and to assume the role of congressional and agency watchdog. Moreover, given the tendency of U.S. agencies to rationalize with scientific evidence and analytical argumentation the basis for regulatory action (see chapter 7), American groups have every incentive to acquire the requisite expertise, to argue over technical issues rather than general ideological principles, and to generate new knowl-

[36] See Dorothy Nelkin and Michael Pollak, *The Atom Besieged: Extraparliamentary Dissent in France and Germany* (Cambridge, Mass.: MIT Press, 1981), for an extended analysis of the environmental groups of France and Germany which focus on nuclear power.

edge about hazards and policy impacts. The extensive use of adversarial proceedings, as well as the channeling of political conflict around fragmented points of decision in all three branches, encourage American groups to take unilateral, uncompromising stands (see chapter 8) and to perceive each issue as a separate crusade that is unamenable to more comprehensive political compromises and trade-offs.

In Europe, the different context of decision making has a similarly significant impact on the strategies of advocates. Regulatory systems offer established European interests a voice primarily through participation on standing advisory committees; access acquired in this way tends to preclude intervention through other means. Those most thoroughly assimilated into such forums show a willingness to accept compromise and to negotiate trade-offs over several issues, but they are also dissuaded from taking independent initiatives outside regular consultative channels. Those excluded from or marginally represented in such forums show different behavioral patterns. Many environmentalists in Germany and France have chosen an electoral strategy fashioned around broad-based platforms; environmentalists in Britain and certain groups elsewhere undertake public opinion campaigns that are more issue-specific.

The orientation toward procedural reforms also reflects existing practices in the regulatory process. In general, groups in one country or policy area attempt to gain the advantages of standing and access to information or to officialdom that are standard in another. An interesting exception is the failure of American advocacy groups and of excluded European groups to press for representation on influential advisory bodies. Presumably, American groups believe that they do not need such forums to make themselves heard or to obtain information and concessions from government and industry. A further obstacle to the greater use of consultative formats in the United States is the size and diversity of the American public interest movement, which raises problems of representativeness. In Europe, the reluctance of excluded groups to seek entry into official circles appears often to grow out of a general antiestablishment orientation and fears of co-optation.

In sum, these four features—public opinion, resources, organizational mission, and policy-making context—sustain and shape somewhat different aspects of advocacy group behavior. The impact of public opinion is most diffuse. It has given broad support to the emergence of these groups as forces in the regulatory politics of all four countries and has helped to fashion their relative priority to toxic chemical control. Organizational features intrinsic to the groups themselves, including their self-defined sense of mission and their traditional orientation toward government or the marketplace, have had the greatest impact on the choice of objectives. Features of the national policy-making context and, to a lesser extent, resources, have in turn exerted a powerful influence on the choice of tactics.

Conclusion: The Limits of Advocacy Politics

Advocacy groups perform several functions in the regulatory systems of advanced industrial nations. To a variable degree, they aggregate and express the aspirations of their adherents and seek to effect and defend policy changes in line with those aspirations. They articulate widely held sentiments that otherwise risk being shortchanged in private and public interactions. In a sense, they act as society's conscience in promoting safety and respect for the environment, and, thus, they are an organizational embodiment of values that are shared to some extent by all, including public officials and industrialists. Public interest groups and unions have positioned themselves in the foreground of political battles over chemical control issues, and outcomes depend in many cases on how well they deploy their resources and choose their targets and tactics. The existence and efforts of these associations also serve as useful pretexts for public officials who want to move in the direction of tighter controls but wish to deflect criticism, reprisals, or obstruction of their proposals. They are, in short, a virtually inevitable and indispensable presence in the contemporary politics of social regulation.

But the extent to which these advocacy groups actually determine the shape and outcomes of regulatory programs is another question. A more finely drawn characterization of their role in the control of carcinogens and other toxic chemicals would have to consider them as only one link in a long and intricate chain of actors and circumstances which constitute the regulatory system. Their performance is a function of the organizational choices and the features which are intrinsic to them, but also of the features of policy making, politics, and political culture which characterize the system in which they operate.

Typically, the factors of organizational choice and political context mitigate each other, in ways that reduce the overall effectiveness of advocates in regulatory policy making. On the surface, the resources, array of tactics, priorities, and analytical sophistication of American advocacy groups appear much more impressive and extensive than those of European groups. Yet these advantages can be interpreted and assessed only in relation to the behavior and assets of other key actors in U.S. regulation, specifically industry, political authority, and the scientific community. For example, American groups undoubtedly benefit from the powerful tool of litigation. But industry benefits from the same tool and has often manipulated it to thwart advocates' aims. Similar arguments can be made for the features of openness, multiple

access, availability of expertise, civil service appointment, and responsiveness of elected officials to constituency pressures, all of which so singularly distinguish the American regulatory setting from the European. These features do more than simply provide American advocacy groups with diverse and attractive opportunities for intervention—they virtually compel such intervention if advocates are to maintain their visibility and importance in the three-ring circus of American regulatory politics. Full-scale utilization of all available legitimate means of action is all the more necessary in a political system that tends to judge the appropriateness of public policy in terms of the relative strength of the political forces mobilized for or against it.

In looking more closely at the policy roles of different kinds of groups across the four countries, the same pattern emerges: ostensible strategic advantages lose their significance when the larger picture is taken into account. The great political power of British and German labor, compared to other European groups and even to the American labor movement, is offset by a typically low organizational priority to hazardous chemical control. The advantages of regular access to official decision makers in Europe come at the price of adherence to constraining rules of the game. American environmental associations ably maneuver the many levers of influence made available to them. But these pluralistic opportunities also create procedural complexities that, as analyzed in earlier chapters, prevent speedy and definitive regulatory action. Thus, while American environmental groups can force the regulatory agenda, the system as a whole thwarts their ability to translate this advantage into a high rate of favorable governmental output. As for consumer associations, their influence on food safety policy is everywhere limited by the wide range of issues competing for their attention and the lack of a readily mobilized constituency.

Given these compensating circumstances, the comparative politics of advocacy, despite its remarkable diversity, does not add up to a significant force of divergence in regulatory performance, either across sectors or across countries. Interest group political behavior and the policy process intimately affect each other, but with respect to regulatory outcomes, the result is something of a stand-off. The American way of regulation generates a great deal of steam and pressure, while the European approach more successfully diffuses conflict, but both produce in the end a kind of slow-moving equilibrium. Perhaps the most significant difference in the role of advocates is that American groups have to run so much faster to arrive, essentially, at the same place.

It follows that any change in political dynamics, stemming either from strategic revisions on the part of advocacy groups or from modifications in policy process, will not necessarily alter the performance and impact of organized labor and public interest associations. Greater access to information for European groups, a higher priority accorded to chemical control in all four countries, or more consultative forms of participation in the United States are reforms whose effects can be evaluated only after consideration of the changes they induce in the regulatory system as a whole. Given the multiple determinants of a group's strategy and impact and the adaptive capabilities of other actors, such isolated changes may do little to upset the existing order other than redefining the form or forum of political conflict.

The systemic interpretation of advocacy politics cannot be carried too far, however. Public interest groups and unions which have a stake in governmental controls on chemical technology retain at least a marginal independent capacity to move the action, and many probably have a potential for greater policy influence than they currently enjoy. Like others involved in the issues, they are subject to a learning curve, and their success in the future will no doubt depend in part on how well they assimilate the lessons of their past successes and failures.